

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 04-
	:	
v.	:	DATE FILED:
	:	
ANDREW BUEHLER	:	VIOLATION:
THEODORE KONAS	:	18 U.S.C. § 1014 (false statement on loan
	:	and credit application - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting - 1
	:	count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this Information:

1. ALY-Wear, Inc. was a clothing manufacturing company located at 400 West Main Street, Ephrata, Pennsylvania. **ANDREW BUEHLER** was President of ALY-Wear. **THEODORE KONAS** was Chief Financial Officer of ALY-Wear.

2. On or about September 29, 1999, ALY-Wear entered into a Loan and Security Agreement with Sovereign Bank for a \$3 Million line of credit.

3. Pursuant to the loan agreement, ALY-Wear was able to borrow against certain assets, including its accounts receivable.

4. Pursuant to the loan agreement, ALY-Wear had to submit to Sovereign Bank a daily certificate showing ALY-Wear's current accounts receivable. From on or about

September 29, 1999 through on or about October 7, 2000, ALY-Wear submitted approximately 300 of these certificates to Sovereign Bank

5. Sovereign Bank was a financial institution located in Philadelphia, Pennsylvania, whose deposits were insured by the Federal Deposit Insurance Corporation, with FDIC No.

6. Between, on or about September 29, 1999 and October 7, 2000 in the Eastern District of Pennsylvania, defendants

ANDREW BUEHLER and THEODORE KONAS

knowingly made and caused to be made to Sovereign Bank false statements for the purpose of influencing the actions of Sovereign Bank upon a loan, that is a \$3 million line of credit to finance ALY-Wear, in that defendants **BUEHLER** and **KONAS** submitted to Sovereign Bank certificates in which purported to report the value of ALY-Wear's accounts receivable, when in truth and fact, as the defendants then well knew, these certificates falsely inflated ALY-Wear's accounts receivables.

In violation of Title 18, United States Code, Sections 1014 and 2.

PATRICK L. MEEHAN
United States Attorney